

**THE OFFICIAL PROCEEDINGS OF THE GERING CITY PLANNING COMMISSION MEETING**  
**SEPTEMBER 18, 2018**

The Gering City Planning Commission of Gering, Nebraska was held in open session at 6:00 p.m. in the Gering City Council Chambers. Present were Commissioners Allen, Bowman, Erdman, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. Commissioners absent Arnold and Maschmeier. Also present were City Planner Annie Folck, members of the public and Secretary Bruntz - Secretary to the Planning Commission.

Notice of the meeting was given in advance by publication in the Star Herald, the designated method of giving notice. Availability of the agenda was communicated in advance to the Media and Commissioners. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Chairman Rechsteiner called the meeting to order at 6:00 p.m., roll call was taken and the Pledge of Allegiance was recited; also reviewed were: 1) Nebraska Revised Statutes Chapter 84, Article 14, which requires at least one copy of the Open Meetings Act be posted in the meeting room, 2) the notice of publication and 3) the time limit for public comment.

Chairman Rechsteiner asked for a motion to approve or disapprove the minutes from the July 24, 2018 meeting. Commissioner Hauck made the motion to approve the minutes and Commissioner Marietta seconded. On roll call vote, the following voted "AYE": Allen, Bowman, Erdman, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Maschmeier.

The City of Gering Planning Commission will conduct a public hearing to consider a Preliminary Plat on a parcel of land situated in the Northwest Quarter of the Southwest Quarter of Section 2, Township 21 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, (Tract A, Block 1, Five Rocks Estates) in the City of Gering, Scotts Bluff County, Nebraska. Located South of M Street and East of Five Rocks Road. (Open 6:05 pm)

***CITY OF GERING***  
***PLANNING COMMISSION RECOMMENDATION AND REPORT***

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<b>To:</b>	Planning Commission	<b>Date:</b>	9/18/18
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	RM
<b>Subject:</b>	Recommendation & Report – Preliminary Plat Five Rocks Estates	<b>Property Size:</b>	35.263 Acres
<b>Location:</b>	East of 5 Rocks Road, South of M Street	<b>#Lots/Parcels:</b>	2
<b>Owner:</b>	MQ Investments	<b>City Council Public Hearing:</b>	10/8/18

**Public Notice:** This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

**Public Hearing**

Mr. Chairman and Commission Members,

This is a recommendation and report to consider an application for a Preliminary Plat in the RM zone (Medium Density Residential). The property is approximately 35.263 acres, located east of 5 Rocks Road and south of M Street. This is to be a Class II Subdivision.

The preliminary plat shows Block 1 to be divided off from the rest of the property. Yucca Drive and Westwood Drive would be extended to provide access through the property. Water and sewer would be located within the street right-of-way. No storm sewer would be constructed as all of the stormwater drainage in the area is overland flow. Stormwater retention would be provided on site. Staff recommends approval of the preliminary plat.

**Recommendation**

**Approve**

Make a POSITIVE RECOMMENDATION for City Council to approve the Preliminary Plat for Tract A, Block 1, Five Rocks Estates Subdivision, with the following conditions:

**Deny**

Make a NEGATIVE RECOMMENDATION to City Council for the Preliminary Plat for Tract A, Block 1, Five Rocks Estates Subdivision, for the following reasons:

**Table**

Table making a recommendation on the Preliminary Plat for Tract A, Block 1, Five Rocks Estates Subdivision, for the following reasons:

**Discussion:**

Annie – this preliminary plat consists of 35.263 acres, it is zoned medium density residential. This plat is to break off Block 1 which is in the south east corner where the school will be located eventually. Yucca & Westwood Drives will be extended as shown on the plat. Water & sewer will be located under the streets, electrical is also available. Staff has reviewed and recommends approving. It is not known how the rest of property will be developed.

Commissioner Marietta questioned the access to the Westwood neighborhood off of Five Rocks. Access to the new potential school is limited to D Street & M Street. Annie responded that is an issue now by only doing a portion of the plat. Approval has been received from NDOR for an additional access onto Five Rocks Rd that will be lined up with Yucca - this is a part of the long-term plan. The access should help with the traffic issues.

Commissioner Hauck wants to make sure he understands that Community Christian is going to build a school in that area. Annie said that is her understanding and the time frame is sometime out.

Commissioner Rajewich says there is a lot of traffic in front of Geil school now, this will push more traffic on 17<sup>th</sup> Street and move over to Yucca Drive. Is this going to be another route for a school bus? Annie doesn't know if Community Christian has a school bus and will need to find out from CC how many students will be enrolled in the new school. Yucca will eventually meet Hwy 71, access has been given by NDOR.

Commissioner Marietta said it would be a mess if there were a school there with 100 students for people living in that area (Westwood & 17<sup>th</sup> Street). Annie recommended to do more checking (time frame for access, when school will be built & traffic) if the commission doesn't want to vote on it tonight, it can be tabled. Annie said a traffic study can't be done since the school is not there yet. Commissioner Allen feels it is too premature to decide at this time.

Chairman Reichsteiner stated the main comments are about driving on Westwood & 17<sup>th</sup> to get to the new school and what kind of traffic issues will this create. Commissioner Marietta asked if the property would need to be rezoned before construction can begin. Annie said no, it is already zoned RM (Residential Medium). Annie checked to make sure the school will be allowed, it is considered a conditional use. It would have to come back to the PC. At that time, the PC will be able to address traffic issues & other concerns.

Commissioner Rajewich asked Annie if it was possible to find out current enrollment at CC school. Annie said yes.

Public – Phil Blanco 1730 Oregon Trail Blvd asked what are the plans for the rest of land. Annie replied the property owner has not said. Why are you having this meeting? Commissioner Marietta said the owner of the property is Heritage Estates and it possibly has something to do with Heritage Estates. Blanco said no one is here from either Heritage or Summit. What are they doing with the land in the meantime? Chairman Reichsteiner said this is the first step in their plan for the school. Blanco said right now there are crops there now. He has a problem, the alley behind the people living on 17th street is not maintained – weeds are 10’ high, pot holes, there is no maintenance on alleys. Chairman Reichsteiner said that will have to be addressed with the City. This is a step in the right direction now. Commissioner Rajewich asked if the zoning is changed (AGG to something else), can they still use it for AGG until it is developed. Annie said this property is already zoned residential, there will be no zone change. The property can be used as AGG, it is a preexisting use. (Closed 6:21 pm)

Chairman Reichsteiner asked for a motion from one of Commissioners. Commissioner Bowman Made a POSITIVE RECOMMENDATION for City Council to approve the Preliminary Plat for Tract A, Block 1, Five Rocks Estates Subdivision, with the following conditions: NONE. Commissioner Hauck seconded the motion. On roll call vote, the following voted “AYE”: Bowman, Erdman, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. “NAY”: Allen. Absent: Arnold and Maschmeier.

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The City of Gering Planning Commission will conduct a public hearing to consider a Final Plat on a parcel of land situated in the North Half of the Southeast Quarter of Section 3, Township 21 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, (Block 2, Heritage Estates) in the City of Gering, Scotts Bluff County, Nebraska. (Open 6:23 pm)

**CITY OF GERING  
PLANNING COMMISSION RECOMMENDATION AND REPORT**

<b>To:</b>	Planning Commission	<b>Date:</b>	9/18/18
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	AGG
<b>Subject:</b>	Recommendation & Report – Final Plat Block 2, Heritage Estates	<b>Property Size:</b>	18.78 Acres
<b>Location:</b>	South of M Street, West of Heritage Drive	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Vetter Health Services	<b>City Council Public Hearing:</b>	10/8/18

**Public Notice:** This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

**Public Hearing**

Mr. Chairman and Commission Members,

This is a recommendation and report to consider an application for a Final Plat in the AGG zone (Agricultural). The property is approximately 18.78 acres, located south of M Street and west of Heritage Drive.

At this time, the applicants are platting this property in order to divide it from the larger agricultural parcel for purchase. They are leaving it as one large parcel to be developed at some point in the future. The property has access along M Street and water and sewer can be extended from the existing lines to the east. If and when the property is developed, the developer will be required to submit either a detailed preliminary plat or plans for a Special Planned Development (SPD). This will allow the City to ensure that the property is developed to City standards. Staff recommends approval of the final plat.

**Recommendation**

**Approve**

Make a POSITIVE RECOMMENDATION for City Council to approve the Final Plat for Block 2, Heritage Estates, with the following conditions:

**Deny**

Make a NEGATIVE RECOMMENDATION to City Council for the Final Plat for Block 2, Heritage Estates, for the following reasons:

**Table**

Table making a recommendation on the Final Plat for Block 2, Heritage Estates, for the following reasons:

**Discussion:**

Annie – Heritage Estates is purchasing approximately 18.78 acres, that is just to the west of their current property. The purpose of the final plat is just to purchase the property & split it off from the larger parcel. They are not ready to develop the property, but when they are it will be developed as SPD (Special Planned Development) so more than one primary structure can be built on the property. Final plat does have access to utilities and access from M street. Staff is recommending to approve so sale can go through.

**Public comments:**

Susan Wiedeman is a co-trustee of the Wiedeman Family Trust. They are the owners of the current property that is being sold to Vetter Senior Living. Vetter wants to expand their facilities & approached the Wiedemans' asking them if they would sell off 18 acres. The Wiedemans' did it intentionally so that is would align up with Meadowlark Blvd (in the Meadows). Susan said that Annie is working with Vetter to improving drainage of the property b/c of its elevation and rain issues that could occur. The other 20 acres will continue to be farmland – production agriculture. (Closed 6:29 pm)

Commissioner Erdman made a POSITIVE RECOMMENDATION for City Council to approve the Final Plat for Block 2, Heritage Estates, with the following conditions: NONE. Commissioner Kaufman seconded the motion. On roll call vote, the following voted "AYE": Allen, Bowman, Erdman, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Maschmeier.

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The City of Gering Planning Commission will conduct a public hearing to consider a Rezone from AG (General Agricultural District) to RMH (Multi-Family Residential High-Density District) on a parcel of land situated in the North Half of the Southeast Quarter of Section 3, Township 21 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, (Block 2, Heritage Estates) in the City of Gering, Scotts Bluff County, Nebraska. (Open 6:30 pm)

**CITY OF GERING  
PLANNING COMMISSION RECOMMENDATION AND REPORT**

<b>To:</b>	Planning Commission	<b>Date:</b>	9/18/18
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	AGG
<b>Subject:</b>	Recommendation & Report – Rezone Block 2, Heritage Estates	<b>Property Size:</b>	18.78 Acres
<b>Location:</b>	South of M Street, West of Heritage Drive	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Vetter Health Services	<b>City Council Public Hearing:</b>	10/8/18

**Public Notice:** This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

**Public Hearing**

Mr. Chairman and Commission Members,

This is a recommendation and report to consider an application to rezone Block 2, Heritage Estates from AGG (Agricultural) to RMH (Multi-family Residential High Density). The property is approximately 18.78 acres, located south of M Street and west of Heritage Drive. The Comprehensive Plan gives no specific guidance on its future land use map for this parcel, but the rezone does fit the policies set forth in the Development Plan, which states that large development projects should be directed to areas where infrastructure development is the most cost effective, and that new developments should be encouraged to located adjacent to adequately paved roads and in clusters to promote efficient urban development patterns. The rezone to RMH will also be consistent with the parcel to the east, which is also zoned RMH, and will be compatible with the RM zoning to the north and the AGG zoning to the west and south. Staff recommends approval of the rezone.

**Recommendation**

**Approve**

Make a POSITIVE RECOMMENDATION for City Council to approve the Rezone Plat for Block 2, Heritage Estates, with the following conditions:

**Deny**

Make a NEGATIVE RECOMMENDATION to City Council for the Rezone Plat for Block 2, Heritage Estates, for the following reasons:

**Table**

Table making a recommendation on the Rezone Plat for Block 2, Heritage Estates, for the following reasons:

**Discussion:**

Annie - Property owner is requesting a rezone from AGG to RMH (High Density Residential) which is consistent to the zoning on the east. Vetter's current facility is also RMH. Property to the north is RM, across M Street is RM and the rest surrounding is AGG. The RMH zone will be consistent with the principles of future development in the comp plan. There was no public comment or comments from the Commissioners. (Closed 6:33 pm)

Commissioner Erdman made a POSITIVE RECOMMENDATION for City Council to approve the rezone from AGG (Agricultural) to RMH (Multi-family Residential High Density) with the following conditions: NONE. Commissioner Rajewich seconded the motion. On roll call vote, the following voted "AYE": Allen, Bowman, Erdman, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Maschmeier.

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**Shipping Containers (6:34 pm)**

***CITY OF GERING  
PLANNING COMMISSION RECOMMENDATION AND REPORT***

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<b>To:</b>	Planning Commission	<b>Date:</b>	9/18/18
<b>From:</b>	Planning & Community Development	<b>City Council Public Hearing:</b>	N/A
<b>Subject:</b>	Recommendation & Report – Shipping Container Ordinance		

Staff has been asked by a property owner to review the City's shipping container ordinance. The ordinance currently in effect was passed in August 2016. Staff would like guidance from Planning Commission regarding the ordinance and if it is something that should be reviewed and adjusted.

**Discussion:**

Annie began stating there has been a request from a business owner to re-discuss. Ordinance 2032 was adopted in 2016, The comments from the business owner were: there are ways to do it that are attractive, they are useful, something less attractive could be put up – van or semi. Does the Planning Commission want to look at it again? Scottsbluff has one that is less restrictive. Gering's can only be used during construction. Scottsbluff did a compromise between what residents wanted and what was appropriate for businesses. They could not be in the front yard setback, must be well maintained, not connected to utilities, kept painted with no wording, secured, located in backyard and a building permit is required in order to have one. They are useful for business and must be kept as an accessory building, containers can't become the primary building on a property, conditions can be put into place for a reasonable compromise. Does the Planning Commission want staff to pursue so that amendments can be made to the Ordinance? It should be enforced equally for everyone.

Commissioner Erdman asked if it is an issue. Chairman Reichsteiner asked what influenced Scottsbluff to make allowances for them. Annie said a building permit is required, containers can only be located behind the primary structure or to the side, no connection to utilities, painted and well maintained. It was adopted in the past 2 years. Getting the permit helped to know citizens are meeting setbacks, that the container was secure & it has a good base.

Commissioner Marietta said he would like the Commission to revisit the Ordinance – they are useful, inexpensive, secure, water tight, a good solution for both residential and business; the commercial side needs to be looked at. He would not be opposed if they were put up for storage units; Annie added this could be only be done in certain zones.

Commissioner Rajewich asked how was it handled if someone just put one in their yard without a permit. Annie said they would first check to see if a permit was issued, if not they would approach the property owner. Code enforcement would begin if it is noticed by City staff or if someone calls in a complaint, then the City would then investigate; staff doesn't drive the streets looking for shipping containers.

Chairman Reichsteiner commented since he travels a lot that he has noticed definite abuse – used to throw more junk into. He said in Cheyenne on East Lincoln Way they are stacking them, making them look really nice. They are welding together & making an office building out of them.

Chairman Reichsteiner agreed this is something that needs to be re-reviewed and yes it can also be abused. (6:45 pm)

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**Approval of Bylaws**

***CITY OF GERING  
PLANNING COMMISSION RECOMMENDATION AND REPORT***

<b>To:</b>	Planning Commission	<b>Date:</b>	9/18/18
<b>From:</b>	Planning & Community Development	<b>City Council Public Hearing:</b>	N/A
<b>Subject:</b>	Recommendation & Report – Planning Commission Bylaws		

Staff has made the requested changes to the bylaws and would like the Planning Commission to review them. If no further changes are requested, the Commission can vote to adopt the bylaws.

**Discussion:**

Annie said all the changes were made, she is looking at bylaws addressing social media. Her thought is if a subject is addressed on social media a PC member can comment by telling them where & when the meeting is so they can have an opportunity to attend, no more than that or if it is a past

issue they are welcome to request a copy of the minutes. Commissioner Allen said there should be no debate on social media, you are creating an image. A copy of the changes that were made to the bylaws will be emailed out to the Commission members for their review.

Commissioner Erdman made the motion to table adoption of the bylaws till the next scheduled meeting and it was seconded by Commissioner Kaufman. On roll call vote, the following voted "AYE": Allen, Bowman, Erdman, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Maschmeier.

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**City Planner report:**

Annie said they are moving along on the Comp plan, consultants will be here October 8-10, 2018. There will be an update to CC by the consultants on October 8<sup>th</sup>, on October 9<sup>th</sup> there will be an open house at the Civic Center from 4-7 pm and on October 10<sup>th</sup> - Wednesday morning to meet with staff. She encourages all of the Planning Commission members to attend the open house, members may be put to work greeting people, tell them where to go and explain things. A new website is up [www.plangering.org](http://www.plangering.org), there is a survey that can be taken. Please forward the website to everyone you know who would be interested in taking the survey. Annie also brought up training for the Commissioners so they know what their role is before the open house, she suggested noon hour on day of open house with the consultants so they can talk you through your role as Planning Commissioner. Annie is going to set something up for the training session.

Motion to adjourn was made by Commissioner Erdman and seconded by Commissioner Hauck. On roll call vote, the following voted "AYE": Allen, Bowman, Erdman, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Maschmeier.

**Note: If a member needs to abstain from voting, the member should communicate this prior to a motion being made.**

**Note: There was dialogue that was not audible for the minutes due to microphones being off, sitting back from the microphones, static in the microphones or individuals not standing at the podium to speak.**

Adjourn 6:54 p.m.

  
Jeremy Rechsteiner, Chairman

  
Brenda Bruntz, Secretary



**NOTICE OF MEETINGS  
FOR OCTOBER 2018**

Notice is hereby given of Public Meetings of the following Gering City Public Bodies. All meetings will be held in the Gering City Council Chambers or Conference Room, 1025 "P" Street unless otherwise noted. The Gering City Council will meet for a regular meeting at 6:00 P.M. on Monday October 8, 2018 and October 22, 2018. The Public Safety Committee will meet at Noon on October 4, 2018 for the purpose of: follow up discussion on one-way streets and traffic flow near and around the ball fields and follow up discussion on the PRT, follow up discussion on 21st Street near the sledding hill. The Gering Planning Commission will attend a training at the Gering Civic Center, 1050 M Street in Gering at Noon on October 9, 2018 and will attend an Open house at Gering Civic Center, 1050 M Street in Gering to review Gering's Comprehensive Plan 4-7 pm on October 9, 2018. The Gering Parks, Cemetery & Tree Board will meet at 6:00 P.M. on October 15, 2018 at the park maintenance facility located at 900 Overland Trail (11th & J). The Planning Commission will meet at 6:00 P.M. on October 16, 2018. The Gering Library Board will meet at 5:00 P.M. on October 16, 2018 at the Gering Public Library, 1055 "P" Street. The Keno Committee will meet at 4:30 P.M. on October 17, 2018. The Gering City Council will meet from 4-7 PM on October 29, 2018 for training. Members of the Gering City Council may be present at the following events: a Open house at Gering Civic Center, 1050 M Street in Gering to review Gering's Comprehensive Plan 4-7 pm on October 9, 2018. State of the Valley on October 24, 2018 11:30 am to 1:30 pm at the Hampton Inn & Suites located at 301 W. HWY 26 in Scottsbluff NE, and a dinner at the Gering Fire Department on October 30, 2018 at 6:00 p.m., 1025 M Street Gering, NE. Because one or more City Council members may attend these meetings, this notice is also published for the purpose of providing the public with notice that on the date and time designated, a quorum of the Council may be present at the same time as the meeting or event.

Any person with a disability desiring reasonable accommodation to attend a public meeting must contact the City Clerk's office at City Hall, 1025 "P" Street, Gering, NE by 12:00 p.m. five (5) days prior to the date of each meeting. Agent

Class kept current and up to date are available at the office of the City Clerk during normal business hours. /s/Kathy Weiff, City Clerk  
Published in the Star-Herald  
Scottsbluff NE  
11 September 29, 2018

**AFFIDAVIT OF PUBLICATION**

Star Herald  
PO Box 1709  
Scottsbluff, NE 69363

State of Nebraska  
County of Scotts Bluff } ss.

I, Yolanda Blue do solemnly swear that I am the Accounts Receivable Bookkeeper of the Star-Herald, a legal newspaper of general circulation, published daily except Mondays, at Scottsbluff, Scotts Bluff County, Nebraska; that the notice hereto attached and which forms a part of this affidavit was Published in said paper 1 (one) consecutive week (s) in the issues published, respectively September 29, 2018

that said notice was published in the regular and entire issues and every number of the paper on the days mentioned, the same being the corresponding day of each week during the period of time of publication and that said notice was published in the newspaper proper and not in the supplement.

SUBSCRIBED in my presence and sworn to before me on 10-2-18

Eric N. Hoffman  
Notary Public

ERIC N. HOFFMAN  
General Notary - State of Nebraska  
My Commission Expires Dec 15, 2021

The publication fees amount to \$ 36.65

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